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KARNATAKA LOKAYUKTA

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No.Compt/Uplok/BCD/136/2007/ARE-10.

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore- 560001,
Dated 15.02.2020.

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

Sub: Initiating proceedings against (1) Sri Rangaswamy, the then Secretary, Sonnenahally Gram Panchayath, Hesargatta Hobli, Bengaluru North and (2) Sri. Muniraju, Bill Collector of Sonnenahally Gram Panchayath, Hesargatta Hobli, Bengaluru North – Reg.

1. One Sri Harish H S/o Huchappa, R/o Seerasandra Village, Hesargatta Hobli, Bengaluru North Taluk (hereinafter referred to as 'complainant') has filed a complaint against 1) Sri Rangaswamy, the then Secretary, Sonnenahally Gram Panchayath, Hesargatta Hobli, Bengaluru North and (2) Sri. Muniraju, Bill Collector of Sonnenahally Gram Panchayath, Hesargatta Hobli, Bengaluru North (hereinafter referred to as Respohndents-1 and 2 respectively) making allegations against them that, they have manipulated entries in the original registers namely viz:- original Khatha register pertaining to properties situated within the limits of Sonnenhally Gram Panchayath and also Tax levy register, demand register etc., by manipulating the entries made therein and also various other allegations including irregularities in execution of certain works

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within the limits of Sonnenhally Grama Panchayath, requesting this authority to take necessary action against them for their illegal acts of manipulation of Government records, irregularities in execution of works etc.

2. Hon'ble Upalokayukta vide orders dated 01.03.2007, having taken up the said complaint for investigation Under Section 9 of the Karnataka Lokayukta Act, referred the complaint to Audit Section of TAC Wing for investigation and to submit a report.

3. The Deputy Controller, TAC, having contacted the Secretary of Sonnenahally Gram Panchayath secured all the original Registers, records and documents for verification. The said complaint file was entrusted for investigation to Accounts Officer (Audit-2) Sri. M.V. Nagaraj, Assistant Controller-1, who was holding additional charge of Accounts Officer, Audit-2, having conducted detailed investigation submitted his report dated 10.04.2019 to the Chief Engineer, who in turn forwarded the same along with the complaint file on 15.09.2019. The file was taken up for scrutiny and to submit Final Scrutiny Note.

4. The complainant, in his complaint dated 01.02.2007 has made as many as 17 allegations regarding manipulation of records and registers maintained in the office of the Sonnenahally Gram Panchayath and also various irregularities stated to have been committed by the respondents-1 and 2 while working as Secretary

and Bill Collector of Sonnenahally Gram Panchayath. The Investigating Officer having conducted detailed investigation of all those allegations, in his report opined that, out of 17 allegations made by the complainant, allegations No. 1 to 3, 8, 12, 13, 14 are proved and allegations 4 and 17 are partly proved and the remaining allegations are not established. The details of the allegations made by the complainant which are proved during investigation by the Investigating Officer are as follows:-

1. No.	Nature of allegations	Opinion of the Investigating Officer
1.	ಪಂಚಾಯತಿ ಅಸ್ತಿತ್ವಕ್ಕೆ ಬಂದ ದಿನಾಂಕ 1993-94 ರಮೂಲ ಪುಸ್ತಕವಾದ ನಮೂನೆ 9 ಮತ್ತು ನಮೂನೆ 10 ರ ಮೂಲ ಪುಸ್ತಕವನ್ನು ತಿದ್ದಿರುವುದು, ಸೀರೇಸಂದ್ರ ಮತ್ತು ಬ್ಯಾತ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಪುಸ್ತಕದಲ್ಲಿ ಹಲವಾರು ರೀತಿಯ ಅವ್ಯವಹಾರ ನಡೆದಿದೆ ಹಾಗೂ ಇದು ಇತರ ಗ್ರಾಮಕ್ಕೆ ವ್ಯಾಪಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	ಆಪಾದನೆಗಳು 1 ರಿಂದ 3 ಸಾಭೀತಾಗಿರುತ್ತವೆ. The I.O. has produced the extracts of the relevant pages in the register in Form No.9 in which the entries have been manipulated, in pages No. 1 to 37 and 38 to 51 and has produced as Annexure-I to his report. On perusing these pages of the original registers which have also produced along with the report, the entries with regard to the measurement, name of the Anbhavadars are found manipulated, but no shara have been made with regard to
2.	ಮೂಲ ಪುಸ್ತಕದಲ್ಲಿ ಇಳಿ ಬಣ್ಣವನ್ನು ಉಪಯೋಗಿಸಿ ದಾಖಲೆಗಳನ್ನು ನಾಶಪಡಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	
3.	ಮೂಲ ಪುಸ್ತಕದಲ್ಲಿ ಪ್ರತಿಯೊಂದು ಪುಟಗಳಲ್ಲಿಯೂ ತಿದ್ದಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	



changes made in the entries.

Even in respect of register maintained in Form No.10 for the year 2000-01 to 2002-03, entries in certain pages are found manipulated and the extracts of the relevant pages in register No.10 in respect of the manipulation made in the entries are produced as Annexure-II to his report.

Even in respect of the register maintained in Form No. 9 from the year 1993-94, manipulation are found to have been made by erasing original entries by using whitener and making entries afresh in the place of original entries and the extracts of relevant pages are produced by way of Annexure-III to his report.

A separate Annexure No-IV has been produced along with the report in respect of the entries in the Register No.9 from

		<p>the year 1993-94 wherein, the extent of the property have been manipulated by showing more than one measurement in respect of the certain properties and not mentioning the extent/measurement of certain properties and not mentioning the boundaries in respect of certain other properties in the register maintained in Form No.9 from the year 1993-94.</p> <p>The original registers in Form No.9 for the year 1993-94, original registers in Form No. 10 for the period from 2000-01 to 2002-03 have also been produced along with the report in addition to producing Annexures-I to IV along with the report to substantiate the contention that, charges 1 to 3 are established.</p>
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5. Allegation No.4. ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಅಧ್ಯಕ್ಷರ ಹಾಗೂ ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಯ ಅಧಿಕಾರಿಗಳ ಅನುಮತಿ ಇಲ್ಲದೆ ಅನುಬಂಧ-1 ರಲ್ಲಿಯ ಕೆಲವು ವಿಸ್ತೀರ್ಣಗಳನ್ನು ತಿದ್ದಿರುವ ಬಗ್ಗೆ ಮತ್ತು ಮೂಲ ಧಾಖಲಾತಿಗಳು ಇರುವುದಿಲ್ಲ. ಅಧಿಕಾರಿಗಳ ಅನುಮತಿ ಇಲ್ಲದೆ ಅನುಬಂಧ-1 ಎಂಬ ಹೊಸ ಪುಸ್ತಕವನ್ನು ಸೃಷ್ಟಿಸಿರುವುದು.

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Conclusion of the Investigation Officer:- ಅಧಿಕಾರಿಗಳ ಅನುಮತಿ ಇಲ್ಲದೆ ಅನುಬಂಧ-1 ಎಂಬ ಪುಸ್ತಕವನ್ನು ಸೃಷ್ಟಿಸಲಾಗಿದೆ ಎಂಬ ಆಪಾದನೆ ಸಾಭೀತಾಗಿರುವುದಿಲ್ಲ, ಆದರೆ, ಅನುಬಂಧ-1 ರಲ್ಲಿ ಅಳತೆಯ ಕಾಲನಲ್ಲಿ ಕೆಲವು ಆಸ್ತಿಗಳ ವಿಸ್ತೀರ್ಣಗಳನ್ನು ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ವಿಸ್ತೀರ್ಣ ನಮೂದಿಸಿರುವುದು ಹಾಗೂ ಕೆಲವು ಆಸ್ತಿಗಳ ವಿಸ್ತೀರ್ಣಗಳ ವಿವರಗಳನ್ನು ನಮೂದಿಸದೆ ಇರುವ ನ್ಯೂನತೆಗಳು ಕಂಡು ಬಂದಿರುತ್ತದೆ (Thus partly proved).

6. Allegation No.8. ಪಂಚಾಯತಿಯ ಕಟ್ಟಡಗಳನ್ನು ಸುಮಾರು ಅಂದಾಜು 6 ಲಕ್ಷ ವೆಚ್ಚ ಕಟ್ಟುವಾಗ ಭಾರಿ ಅವ್ಯವಹಾರ ನಡೆದು ಅಕ್ರಮವಾಗಿ ಬಿಲ್ಲು ಪಾಸು ಮಾಡಿದ ಬಗ್ಗೆ(2000 ರಿಂದ 2006 ರವರೆಗೆ)

Conclusion of the Investigation Officer:- ಆಪಾದನೆ ಸಾಭೀತಾಗಿರುತ್ತದೆ. ಸದರಿ ಆಪಾದನೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಪಂಚಾಯತಿ ಕಟ್ಟಡ ನಿರ್ಮಾಣದ ವೆಚ್ಚ ಅಂದಾಜು ಮೊತ್ತ ರೂ. 5,20,000/- ಗಳಿಗೆ ತಾಂತ್ರಿಕ ಅನುಮೋದನೆ ಪಡೆದು ಕಟ್ಟಡ ನಿರ್ಮಿಸಿ ಬಿಲ್ ಪಾವತಿಸಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ನಂತರ ಪಂಚಾಯತಿ ಕಟ್ಟಡದ ಮುಂಭಾಗ ಅಂದರೆ ಪೋರ್ಟಿಕೋ ಬಗ್ಗೆ ಹೆಚ್ಚುವರಿ ರೂ. 1,00,000/- ಗಳಿಗೆ ಅಂದಾಜು ಪಟ್ಟಿ ತಯಾರಿಸಿ ಬಿಲ್ ಪಾವತಿಸಿರುತ್ತಾರೆ. ಈ ಬಿಲ್ಲುಗಳ ಬಗ್ಗೆ ಕಿರಿಯ ಅಭಿಯಂತರರಿಂದ ಬಿಲ್ ಬಂದ ನಂತರ ಹಣ ಪಾವತಿಸಿದ್ದು ಬಿಲ್ ಜೆರಾಕ್ಸ್ ಪ್ರತಿಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ ಎಂದು ದಿನಾಂಕ 17.09.2007 ರ ವರದಿಯಲ್ಲಿ ಕಾರ್ಯದರ್ಶಿ, ಸೋಣ್ಣೇನಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ರವರು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಹಾಜರುಪಡಿಸಿರುವ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ದಿನಾಂಕ 05.03.2003 ರಂದು ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯ್, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ ಇವರಿಗೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮಾಡುವ ಸಂಬಂಧ ರೂ. 5,20,000/- ಗಳ ಅಂದಾಜುಪಟ್ಟಿ, ಪೋರ್ಟಿಕೋ ನಿರ್ಮಾಣದ ಅಂದಾಜು ವೆಚ್ಚ 1 ಲಕ್ಷ, ಈ ಕಟ್ಟಡಗಳ ನಿರ್ಮಾಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಸಾಮಗ್ರಿಗಳನ್ನು ಸರಬರಾಜು ಮಾಡಿರುವ ಸಂಬಂಧ ಬಿಲ್‌ಗಳ ಪ್ರತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಕಡತಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ನ್ಯೂನತೆ ಕಂಡು ಬಂದಿರುತ್ತವೆ.

ಸೋಣ್ಣೇನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ಪಂಚಾಯತಿ ಕಟ್ಟಡ ಕಟ್ಟುವ ಕಾಮಗಾರಿ (ಅಂದಾಜು ಮೊತ್ತ 5.20 ಲಕ್ಷ)

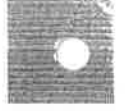
ಕ್ರ.ಸಂ.	ಬಿಲ್ಲು	ಎಂ.ಬಿ. ಸಂಖ್ಯೆ	ಎಂ.ಬಿ.ಯಲ್ಲಿ ಚೆಕ್ ಮೆಜರ್‌ಮೆಂಟ್ ದಿನಾಂಕ & ಪುಟಸಂಖ್ಯೆ	ಎನ್.ಎಂ.ಆರ್. ಮೊತ್ತ	ಸಾಮಗ್ರಿ ಸರಬರಾಜು ಮೊತ್ತ	ಒಟ್ಟು
1	1ನೇ ಭಾಗಶ:	1/2000-01	1/02/2003 97 ರಿಂದ 99	1,15,748/-	27,900/- 18,700/- 20,800/-	1,873,148/-
2	2ನೇ ಭಾಗಶ:	2/2002-03	1/02/2004 61 ರಿಂದ 63	76,564/-	1,18,888/- 9,206/-	2,04,658/-
3	-	-	-	-	21,096/-	21,096/-
4	-	-	-	-	83,762/-	83,762/-
ಒಟ್ಟು				1,92,312/-	3,00,352/-	4,92,664/-

ಸೋಣ್ಣೇನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ಪಂಚಾಯತಿ ಕಟ್ಟಡ ಕಟ್ಟುವ ಕಾಮಗಾರಿ (ಪೋರ್ಟಿಕೊ)
(ಅಂದಾಜು ಮೊತ್ತ 1.00 ಲಕ್ಷ)

ಕ್ರ. ಸಂ.	ಬಿಲ್ಲು	ಎಂ.ಬಿ. ಸಂಖ್ಯೆ	ಎಂ.ಬಿ.ಯಲ್ಲಿ ಚೆಕ್ ಮೆಜರ್‌ಮೆಂಟ್ ದಿನಾಂಕ & ಪುಟ ಸಂಖ್ಯೆ	ಎನ್.ಎಂ.ಆರ್. ಮೊತ್ತ	ಸಾಮಗ್ರಿ ಸರಬರಾಜು ಮೊತ್ತ	ಒಟ್ಟು
1.	ಮೊದಲನೇ ಹಾಗೂ ಅಂತಿಮ	1/2005-06	29.11.2005 55 ರಿಂದ 57	37,500/-	56,256/-	93,756/-
ಒಟ್ಟು				37,500/-	56,256/-	93,756/-

(ಎ) ಸೋಣ್ಣೇನಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಕಟ್ಟಡ ನಿರ್ಮಾಣದ ಪೂರಕ ಅಂದಾಜು 5,20,000/- ಗಳಿಗೆ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ಕ್ರಮ ಸಂಖ್ಯೆ 2692/2002-03 ರಲ್ಲಿ ಪರಿಶೀಲಿಸಿ (scrutiny report) ದೃಢೀಕರಿಸಿರುವ ದಾಖಲೆ ಇರುತ್ತದೆ. ಸಕ್ಷಮ ಅಧಿಕಾರಿಗಳಿಂದ ಮಂಜೂರಾತಿ ಆದೇಶ ಪ್ರತಿ ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.

(ಬಿ) ಈ ಕಾಮಗಾರಿಯನ್ನು ಇಲಾಖಾವತಿಯಿಂದ ಕೈಗೊಳ್ಳಲು ಅಥವಾ ಗುತ್ತಿಗೆದಾರರ ಮೂಲಕ ಕೈಗೊಳ್ಳುವುದಕ್ಕೆ ಪೂರ್ವಾನುಮತಿ ಪಡೆದ ಬಗ್ಗೆ ದಾಖಲೆ ಇರುವುದಿಲ್ಲ.



(ಸಿ) ಕಾಮಗಾರಿ ಪ್ರಾರಂಭಿಸಬೇಕಾದ ದಿನಾಂಕ ಹಾಗೂ ಮುಕ್ತಾಯ ಮಾಡಬೇಕಾದ ಅವಧಿಯ ಬಗ್ಗೆ ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.

(ಡಿ) ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸಿದ ಬಗ್ಗೆ ಹಂತ ಹಂತವಾಗಿ ಛಾಯಚಿತ್ರ ತೆಗೆದು ದಾಖಲಿಸಿರುವ ಬಗ್ಗೆ ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.

(ಇ) ಅಳತೆ ಪುಸ್ತಕ 1/2000-01 ಹಾಗೂ 2/2002-03 ನ್ನು ಪರಿಶೀಲನೆಗೆ ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ.

(ಎಫ್) ಅಳತೆ ಪುಸ್ತಕದ ಸಂಖ್ಯೆ 1/2005-06 ರಲ್ಲಿ ಕಿರಿಯ ಅಭಿಯಂತರರು ಅಳತೆ ಮಾಡಿದ ಬಗ್ಗೆ ದಾಖಲಿಸಿದ್ದು, ಯಾವುದೇ ಅಧಿಕಾರಿಗಳಿಂದ ಚೆಕ್ ಮೆಜರ್‌ಮೆಂಟ್ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಚೆಕ್ ಮೆಜರ್‌ಮೆಂಟ್ ಇಲ್ಲದೆ ಹಣ ಪಾವತಿ ಮಾಡಿರುವುದು ನಿಯಮ ಬಾಹಿರವಾಗಿರುತ್ತದೆ.

(ಜಿ) ಸಾಮಗ್ರಿ ಸರಬರಾಜಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕೈ ಬರಹ/ಬೆರಳಚ್ಚು ಮಾಡಿದ ಬಿಲ್ಲುಗಳು ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುತ್ತದೆ. ಸಿಮೆಂಟ್, ಸ್ಟೀಲ್, ಮರದ ಸಾಮಗ್ರಿಗಳು, ಟೈಲ್ಸ್, ಪೇಂಟ್ ಇಂತಹ ಸಾಮಗ್ರಿಗಳಿಗೆ ಅಧಿಕೃತ ಸರಬರಾಜುದಾರರಿಂದ ಖರೀದಿಸಿದ ಬಗ್ಗೆ ಬಿಲ್ಲುಗಳು ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ. ಈ ಎಲ್ಲಾ ನ್ಯೂನತೆಗಳಿಂದ ದೂರುದಾರರು ಮಾಡಿರುವ ಸದರಿ ಆಪಾದನೆಯು ಸಾಬೀತಾಗಿರುತ್ತದೆ.

7. Allegation No.12 ಪಂಚಾಯತಿಯಲ್ಲಿ ಜಮಾ ಬಂಧಿ ಪುಸ್ತಕದಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ತಿದ್ದುಪಡಿ ಮಾಡಿರುವ ಬಗ್ಗೆ.

Conclusion of the Investigation Officer:- ಸೋಣ್ಣೇನಹಳ್ಳಿ ಗ್ರಾಮಪಂಚಾಯತಿಯಲ್ಲಿ ಜಮಾಬಂದಿ ಪುಸ್ತಕವನ್ನು ನಿರ್ವಹಿಸದೆ ಇರುವುದು, ಕಾರ್ಯದರ್ಶಿಯ ಕರ್ತವ್ಯ ಲೋಪವಾಗಿರುತ್ತದೆ.

8. Allegation No.13 ಕಾರ್ಲಾಪುರ ಗ್ರಾಮ ತಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಇರುವ ಆಸ್ತಿಗಳ ಬಗ್ಗೆ ಅಕ್ರಮವಾಗಿ ನಮೂನೆ 9 ಮತ್ತು 10 ಸೃಷ್ಟಿಸಿದ ಬಗ್ಗೆ.

Conclusion of the Investigation Officer:- ಆಪಾದನೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ. ಕಾರ್ಲಾಪುರ ಗ್ರಾಮದ ಸುಮಾರು 132 ಮನೆಗಳ ಬಗ್ಗೆ ಯಾವುದೇ ಮಂಜೂರಾತಿ ಇಲ್ಲದೆ ಖಾತಾ ನಮೂನೆ-9 ಮತ್ತು 10 ರಲ್ಲಿ ಸೇರ್ಪಡೆ ಮಾಡಲಾಗಿರುವುದು ಸಾಬೀತಾಗಿರುತ್ತದೆ.

9. Allegation No.14 ನಮೂನೆ 9 ಮತ್ತು 10 ರ ಪುಸ್ತಕದಲ್ಲಿ ಅಧ್ಯಕ್ಷರ ಅನುಮತಿ ಹಾಗೂ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಹಣಾಧಿಕಾರಿಗಳ ಸಹಿಯಿಲ್ಲದೆ ಹಾಗೂ ಅವರ ಗಮನಕ್ಕೆ ತರದೆ, ಇಡೀ ಪುಸ್ತಕವನ್ನು

ತಿದ್ದಿ ಬಿಳಿ ಬಣ್ಣವನ್ನು ಉಪಯೋಗಿಸಿ ಅಂಕಿಗಳನ್ನು ನಾಶಪಡಿಸಿದ ಬಗ್ಗೆ (ಉದಾಹರಣೆ: ಬ್ಯಾತ-ಸೀರೆಸಂದ್ರ ಗ್ರಾಮದ ಖಾತೆ ನಂ.7/7 ಹಾಗೂ 5/5 ಸ್ವತ್ತು ಹಾಗೂ 12/12 ರ ಸ್ವತ್ತು) ಹಾಗೂ ಇತರೆ ಸ್ವತ್ತುಗಳು.

Conclusion of the Investigation Officer:- ಆಪಾದನೆ ಸಾಭೀತಾಗಿರುತ್ತದೆ. ಕಾರ್ಲಾಪುರ ಗ್ರಾಮದ ಸುಮಾರು 132 ಮನೆಗಳ ಬಗ್ಗೆ ಯಾವುದೇ ಮಂಜೂರಾತಿ ಇಲ್ಲದೆ ಖಾತಾ ನಮೂನೆ-9 ಮತ್ತು 10 ರಲ್ಲಿ ಸೇರ್ಪಡೆ ಮಾಡಲಾಗಿರುವುದು ಸಾಭೀತಾಗಿರುತ್ತದೆ.

10. Allegation No.14 ನಮೂನೆ 9 ಮತ್ತು 10 ರ ಪುಸ್ತಕದಲ್ಲಿ ಅಧ್ಯಕ್ಷರ ಅನುಮತಿ ಹಾಗೂ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಹಣಾಧಿಕಾರಿಗಳ ಸಹಿಯಿಲ್ಲದೆ ಹಾಗೂ ಅವರ ಗಮನಕ್ಕೆ ತರದೆ ಇಡೀ ಪುಸ್ತಕವನ್ನು ತಿದ್ದಿ ಬಿಳಿ ಬಣ್ಣವನ್ನು ಉಪಯೋಗಿಸಿ ಅಂಕಿಗಳನ್ನು ನಾಶಪಡಿಸಿದ ಬಗ್ಗೆ (ಉದಾಹರಣೆ: ಬ್ಯಾತ-ಸೀರೆಸಂದ್ರ ಗ್ರಾಮದ ಖಾತೆ ನಂ.7/7 ಹಾಗೂ 5/5 ಸ್ವತ್ತು ಹಾಗೂ 12/12 ರ ಸ್ವತ್ತು) ಹಾಗೂ ಇತರೆ ಸ್ವತ್ತುಗಳು.

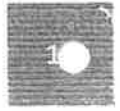
Conclusion of the Investigation Officer:- ಆಪಾದನೆ ಸಾಭೀತಾಗಿರುತ್ತದೆ.

11. Allegation No.17 ಸೀರೆಸಂದ್ರ ಗ್ರಾಮದ ಹುಚ್ಚಪ್ಪನವರ ಖಾತೆ ನಂ. 11/11 ರ ಬಗ್ಗೆ ಪಂಚಾಯ್ತಿ ಅಸ್ತಿತ್ವಕ್ಕೆ ಬಂದಾಗಿನಿಂದ 1993-94 ರಿಂದ 58 * 45 ಅಡಿ ಇದ್ದು ಈ ಅವ್ಯವಹಾರವನ್ನು ಬಯಲಿಗೆ ಎಳೆದು ತಂದ ಕಾರಣದಿಂದ 58 * 45 ರಮುಂದೆ 32 * 42 ಎಂದು ನಮೂದಿಸಿ, ವಿನಾಕಾರಣ ಅವರ ಕುಟುಂಬಕ್ಕೆ ಪಂಚಾಯತಿ ಕಾರ್ಯದರ್ಶಿಗಳು ತೊಂದರೆ ಕೊಟ್ಟಿರುತ್ತಾರೆ. 1993-94 ಕ್ಕೆ ಪಂಚಾಯತಿ ಅಸ್ತಿತ್ವಕ್ಕೆ ಬಂದಾಗ ಸ್ವತ್ತಿನ ವಿಸ್ತೀರ್ಣ 58 * 45 ಅಡಿ ಇದ್ದು ನಮೂನೆ-9 ರಲ್ಲಿ ನಕಲು ಕಾಫಿಯನ್ನು ಪಂಚಾಯತಿಯಿಂದ ತೆಗೆದುಕೊಂಡಿದ್ದು, ಇದರ ಮೇಲೆ ಬ್ಯಾಂಕಿನಲ್ಲಿ 2 ಲಕ್ಷದ ವರೆಗೂ ಸಾಲವನ್ನು ಪಡೆದಿದೆ. ಹೀಗಿದ್ದರೂ ಸಹ ಪಂಚಾಯತಿಯವರು ಈ ನಂಬರನ್ನು ತಿದ್ದಿ, ಈ ಹಿಂದೆ 32 * 42 ಇತ್ತು ಎಂದು ನಮಗೆ ನೋಟೀಸ್ ಜಾರಿಮಾಡಿ ವಿನಾ ಕಾರಣ ತೊಂದರೆ ಕೊಡುತ್ತಿದ್ದಾರೆ ಎಂದು ನೀರಸಂದ್ರ ಗ್ರಾಮದ ಹುಚ್ಚಪ್ಪ ಆಪಾದಿಸಿರುತ್ತಾರೆ.

Conclusion of the Investigation Officer:- ಹುಚ್ಚಪ್ಪನವರ ಮನೆಯ ಖಾತಾ ದಾಖಲು ಬಗ್ಗೆ ಮತ್ತು ವಿಸ್ತೀರ್ಣ ನಮೂದಿಸಿರುವ ಬಗ್ಗೆ ದೂರುದಾರರ ಆಫಾದನೆ ಸಾಭೀತಾಗಿರುವುದಿಲ್ಲ. ಆದರೆ, ನಮೂನೆ-9 ರಿಜಿಸ್ಟ್ರ್‌ನಲ್ಲಿ ಮಾಡಲಾಗಿರುವ ತಿದ್ದಿಪಡಿ ಬಗ್ಗೆ ಯಾವುದೇ ಷರಾ ಬರೆಯದೇ ಇರುವ ಬಗ್ಗೆ ಹಾಗೂ ದೃಢೀಕರಿಸಿರುವ ಬಗ್ಗೆ, ಕಾರ್ಯದರ್ಶಿಯ ಕರ್ತವ್ಯಲೋಪ ಸಾಭೀತಾಗಿರುತ್ತದೆ.

12. The copy of the report of the Investigation Officer were sent to Respondents-1 and 2 asking them to submit their comments.

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Respondents-1 and 2 have independently filed their comments vide dated 30.12.2019 disputing the correctness of the report of the Investigation Officer.

13. The 1st Respondent has taken up a contention that, he worked as Secretary, Sonnenahally Grama Panchayath from 02.11.2000 to 30.05.2006. So far as, the allegation of manipulation of the entries in register No. 9 and 10 are concerned, it is his contention that, the register No. 9 was opened during the year 1993-94 and about 5 secretaries have worked at Sonnenahally Grama Panchayath earlier to his tenure and he has received the charge of the said registers on assuming the office of the Secretary. It is his contention that, since the Investigating Officer has not implicated him/R-1 and the allegation of manipulation of entries is not attributed to him, he is not in any way responsible for manipulation of entries in the original register 9 and 10 and he never committed any such act of manipulation in the original registers. So far as allegation in respect of construction of Panchayath building is concerned, he has categorically denied the allegations made against him in the report of the Investigation Officer, contending that, the said work of construction of Panchayath office building has been executed as per the sanctioned estimate and after obtaining administrative approval from the competent authority and after completing the work check measurements have been obtained and payments have been made and there are no irregularities or misappropriation of funds in execution of the said project of construction of Panchayath building. So far as, non maintenance of Jamabhandi book is concerned, it is his contention that, the rules does not mandate maintenance of Jamabandhi book in respect of Annual Financial Transactions in the Grama Panchayath and the accounts of the GramaPanchayath have been maintained as per the provisions of Panchayath Raj Act, and rules framed there under and hence, he has not committed any act of misconduct in not maintaining

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Jamabandhi book. Even in respect of allegation No.13, 14 and 17 are concerned, he has denied those allegations and the correctness of the report of the Investigating officer implicating him in respect of those irregularities. Denying each and every allegations made against him in the report of Investigating Officer and questioning the correctness of the report, the 1st Respondent has requested this authority to drop the proceedings against him.

14. The 2nd Respondent being the Bill Collector of Sonnenhally Grama Panchayath has been working as such since 16.11.1996 till this day and he has taken up the very same contentions the 1st respondent has taken in his reply, reiterating the same contentions even in his reply, denying the allegations made against him and questioning the correctness of the report of the Investigating Officer and he has requested this authority to drop the proceedings against him.

15. The report of Investigating Officer is considered with reference to Annexures-I to IV appended to his report and also the detailed observations he has made and conclusions he has arrived at in respect of each and every allegations made by the complainant against Respondents 1 and 2, and also in respect of proved allegations.

16. On perusing Annexures-I to IV (Copies of relevant pages of register 9 and 10) wherein, the manipulations in respect of the entries made in the records, overwriting the entries, deleting the entries by using whitener and making fresh entries in the place of deleted entries, manipulation in respect of the extent of the properties and boundaries, manipulation made in respect of the names of Anbhavadars by striking down the original entries and substituting new entries without any shara are the instances of the



(5)

manipulations that can be seen in the relevant Registers as visible to the naked eye.

17. Respondents No. 1 and 2 except taking up a contention that they are not responsible for such manipulations and further contending that, since the Investigating Officer has not pointed out any lapses on their part and never implicated them holding them responsible for such manipulations, it is their specific contention that, they are not in any way responsible for such manipulations.

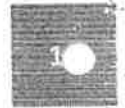
18. Admittedly, Respondent No. 1 worked as Secretary of Sonnenahally Grama Panchayath from 02.11.2000 to 30.05.2006. The complaint was filed against them on 01.02.2007. All the original registers and records have been produced before the Investigating Officer on 20.05.2008 by the then Secretary. Since, the complaint regarding these manipulations was made on 01.02.2007, these manipulations must have been occurred earlier to 01.02.2007. Since, the 1st Respondent was working from 02.11.2000, it is for him to establish when these manipulations /over writings in the original registers have been made, because all these original registers and records were in his possession right from the date he assumed the office of the Secretary of Sonnenahally Grama panchayath.

19. Even the 2nd Respondent is working as a Bill Collector of the said Grama Panchayath from 16.11.1996 and continued to work as such even to this day. The Tax register and Demand register are in the possession of the Bill Collector, because he is the person responsible for collection of tax and making entries in the demand register. Therefore, it is for him to establish the circumstances under which entries in register No. 10 have been corrected/manipulated and reason for such correction. Except

denying the allegations made against him, he has not come out with any convincing explanation to deny his role in such manipulations.

20. The 1st Respondent has taken up a further contention that, earlier to him, various persons have worked as Secretaries of Sonnenahally Grama Panchayath from 1993 to 2000 prior to his tenure, and they may be responsible for such manipulations. But, this contention of the 1st Respondent cannot be considered for the simple reason that, when he assumed office on 02.11.2000 he took charge of all the original registers and records and if he had noticed any such manipulations in the original registers, there was no impediment for him to bring it to the notice of his superior officers about such manipulations in the original registers, if such manipulations were made by his predecessors. Though, he continued as Secretary for about 6 years, he has not taken any such steps to bring it to the notice of his superior officers about these manipulations. Only when the investigation was taken up on the basis of the complaint dated 01.02.2007 filed by the complainant, these manipulations in the original records and registers came to light. The omission on the part of Respondents-1 and 2 in bring to the notice of their superior officers, if such manipulations of entries were there in the relevant registers prior to they took charge, is also another factor which is to be considered in holding that the remarks/explanation offered by Respondents-1 and 2 are not convincing and not acceptable. Therefore, it can be concluded that, it was the 1st Respondent in connivance with the 2nd Respondent who are responsible for making such manipulations in the original registers and the allegations made by the complainant when considered with reference to the report of the Investigating Officer, it can be concluded prima-facie that, both Respondent No. 1 and 2 are responsible for such manipulations, of entries in the original Registers.

(17)



21. So far as, the allegations of irregularities in respect of the work of construction of Panchayath Building is concerned, the Investigating Officer has pointed out the lapses and irregularities and though the said work was taken up under the MGNREGA scheme, the provisions of the said scheme are not followed and bills have been paid in contravention of the guidelines and thus, the Investigation Officer has noticed irregularities in the execution for the said work. The allegations in respect of these works made by the Investigating Officer are supported by the relevant documents and records. Hence, even in respect of this allegation of irregularities in execution of work of construction of Panchayath building, since the Investigating Officer has concluded that, these allegations are established, the 1st Respondent is responsible for such irregularities.

22. Hence, in terms of the report of the Investigating Officer, wherein he has categorically concluded that, the allegations 1 to 3, 8, 13 & 14 have been established and the allegations No. 4 and 17 have been partly established and even the allegation of the irregularity in construction of Panchayath building and omission to maintain Jamabandhi book established as against the 1st Respondent and since the findings of the Investigating officer are supported by documentary evidence, there are sufficient materials to initiate disciplinary proceedings against Respondents No. 1 and 2 for the irregularities and manipulation of records, as per the report of the Investigating Officer.

23. Hence the facts supported by the materials on record prima facie show that Respondents 1 and 2 being Public/Government servants, have failed to maintain absolute integrity besides absolute devotion to duty and acted in a manner unbecoming of Government servant, now, acting under Section 12(3) of the

Karnataka Lokayukta Act recommendation is made to the Competent Authority to initiate disciplinary proceedings against the Respondents-1 and 2 1) Sri P. Rangaswamy, the then Secretary, Sonnenahally Gram Panchayath, now working as Panchayath Development Officer, Kaggalipura Gram Panchayath, Bengaluru South Taluk and (2) Sri. Muniraju, Bill Collector of Sonnenahally Gram Panchayath, Hesargatta Hobli, Bengaluru North Taluk and to entrust the inquiry to this Authority under Section 14-A of the KCS (CC&A) Rules, 1957.

25. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority is required 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.

N. Ananda
(Justice N. Ananda) 15/2
Upalokayukta-1,
State of Karnataka.

